THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 12641 of 2006

23-06-2006

Between:-

A. Satyanarayana

Petitioner

And

Sri Dharmeshwara Swamy Devasthanam rep., by its Manager/Executive Officer, r/o Dammenu, Undrajavaram mandal, West Godavari district and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 12641 of 2006

Oral order:

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments and as requested, the writ petition is disposed of at the stage of admission.

The petitioner is aggrieved by the action of the 1st respondent-Devasthanam notifying for auction-cum-tender its lands for grant of lease. The petitioner claims to be a cultivating tenant of lands of the respondent-Devasthanam in an extent of Ac.02-09 cents in R.S.No. 28 and 30/1 since the past 20 years and regularly paying rents without any default. Earlier, the petitioner contends, he made a representation to the Assistant Commissioner for declaration that he is a landless poor. There being no

response, he made another representation on 10-03-2006 enclosing a copy to the Deputy Commissioner concerned seeking declaration as a landless poor person and entitlement to the benefits under Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). He stated in the representation, said to have been made, that he is a tenant of Ac.02-09 cents of land and possesses only Ac.0-31 cents of land in R.S.No. 53/1B of Dammenu village and that he has no other property. The petitioner also asserts that he has grown sugar cane crop and entered into an agreement with a sugar factory for supply of sugar cane and that he would be put to irreparable prejudice, if auction of the lands under his cultivation were held as per the impugned auction notification.

In the circumstances, the writ petition is disposed of directing the 1st respondent not to proceed with the auction of the lands in the cultivation of the petitioner in R.S.Nos. 28 and 30/1 belonging to the 1st respondent-Devasthanam in Dammenu village, if the petitioner has in fact made a representation dated 10-03-2006 to the 3rd respondent seeking declaration as a landless poor person within the meaning of Section 82 of the Act. If such a representation is made, the 3rd respondent shall dispose of the same within seven (7) days from the date of receipt

of a copy of this order. If the 3rd respondent determines that the petitioner is a landless poor person, he will be entitled to claim the benefits under section 82 of the Act. If the 3rd respondent determines that the petitioner is not a landless poor person by recording reasons for such decision, the said decision shall forthwith be communicated to the 1st respondent by the 3rd respondent and the 1st respondent shall thereafter be at liberty to proceed with the auction of the lands since the petitioner would have been determined as being landless poor person. A copy of the 3rd respondent's decision shall be communicated to the petitioner within seven (7) days from the date of receipt of a copy of this order.

With the above observations and directions, the writ petition is disposed of. No costs.

_____

GODA RAGHURAM, J

Dated:23-06-2006
Pvks/*
Nb:- Furnish c.c. in three days.
B/o pvks/*